

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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ANGELA SHAFT,

Plaintiff-Appellee,

v

JACKSON NATIONAL LIFE INSURANCE  
COMPANY,

Defendant-Appellant.

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UNPUBLISHED  
September 18, 2014

No. 315030  
Ingham Circuit Court  
LC No. 12-000070-CL

Before: FITZGERALD, P.J., and SAAD and WHITBECK, JJ.

FITZGERALD P.J., (*dissenting*).

I respectfully dissent from the majority's decision to reverse and remand for entry of an order of dismissal.

The circuit court denied defendant's motion for summary disposition in light of the fact that plaintiff presented evidence that (1) defendant discharged plaintiff only after making repeated references to her black coworker's race, and (2) defendant emphasized that the races of the parties involved (a white employee sending the document to a black coworker) made plaintiff's action a fireable offense. Viewed in a light most favorable to plaintiff as the non-moving party, the trial court found that this evidence constituted direct evidence of racial discrimination under MCL 37.2202(1)(a) and could lead a reasonable jury to conclude that race was a motivating factor in defendant's decision to terminate plaintiff. Upon de novo review, I agree. I would affirm the trial court's denial of defendant's motion for summary disposition and allow the case to be presented to a jury.

/s/ E. Thomas Fitzgerald